

SENATE BILL 77

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0lr0121

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Public Safety and Correctional Services) and Senator Harrington**

Requested: November 2, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 2010

CHAPTER _____

1 AN ACT concerning

2 **Health General – Disease Prevention and Testing – Inmates of Correctional**
3 **Institutions**

4 FOR the purpose of expanding the definition of health care provider as it relates to
5 certain provisions of law on testing for human immunodeficiency virus (HIV);
6 adding a type of sample to be furnished by certain inmates for HIV testing; and
7 generally relating to disease prevention and testing in correctional facilities.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 18–338(a) and (b)
11 Annotated Code of Maryland
12 (2009 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 18–338.

17 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) “Correctional institution” means a place of detention or
2 correctional confinement operated by or for the State or a local government.

3 (3) “Correctional employee” means:

4 (i) A person who is employed by a correctional institution; or

5 (ii) A person who performs duties in a correctional institution by
6 virtue of federal, State, or local government employment.

7 (4) “Exposure” means, as between a correctional employee and an
8 inmate:

9 (i) Percutaneous contact with blood, semen, or blood
10 contaminated fluids;

11 (ii) Mucocutaneous contact with blood, semen, or blood
12 contaminated fluids;

13 (iii) Open wound, including dermatitis, exudative lesions, or
14 chapped skin, contact with blood, semen, or blood contaminated fluids; and

15 (iv) Intact skin contact with large amounts of blood, semen, or
16 blood contaminated fluids for a prolonged period.

17 (5) “Health care provider” means:

18 **(I) [any] ANY person, including a physician or hospital, who is**
19 **licensed or otherwise authorized in this State to provide health care services and is**
20 **under contract with or operated by the correctional facility; OR**

21 **(II) AN EMPLOYEE’S PRIVATE PHYSICIAN.**

22 (b) An inmate shall furnish to the correctional institution a blood sample **OR**
23 **~~BRONCHIAL~~ BUCCAL (CHEEK) SWAB** to be tested for the presence of human
24 immunodeficiency virus (HIV) when:

25 (1) There has been an exposure involving the inmate;

26 (2) The exposure occurred in connection with the inmate’s violation of
27 institutional regulations;

28 (3) The inmate has been found guilty of the violation of institutional
29 regulations described in paragraph (2) of this subsection;

1 (4) The correctional employee involved in the exposure has given
2 written notice of the exposure to the managing official of the correctional institution,
3 or the official's designee; and

4 (5) The exposure is confirmed by a health care provider.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.